

JUDGE JOHN C. COUGHENOUR

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	NO. 05-292JCC
)	
v.)	STIPULATION AND ORDER
)	CONTINUING MOTIONS FILING
FRANCIS DEVANDRA RAJ,)	DEADLINE AND TRIAL DATE
TIMOTHY WOO and)	
JONATHAN VALENZUELA)	
<i>Defendant.</i>)	
_____)	

Plaintiff United States of America and defendants FRANCIS DEVANDRA RAJ, TIMOTHY WOO, and JONATHAN VALENZUELA, by and through their respective undersigned counsel of record, hereby stipulate and agree to continue the motions filing deadline from October 13, 2005, to January 19, 2006, and the trial date from October 31, 2005, to March 6, 2006.. This continuance is requested, and required in the interest of justice, for the following reasons.

This case involves the discovery of a tunnel beneath the international boundary between Canada and the United States in Lynden, Washington. The defendants were arrested on or about July 20, 2005. During this investigation, the United States cooperated extensively with law enforcement authorities in Canada. Prior to the arrest of the defendants, the United States obtained two search warrants. The first was executed on July 2, 2005, and confirmed the existence of the tunnel. A second warrant was executed on or about July 7, 2005, which authorized the surreptitious placement of audio and video

recording devices in the property. As a result of the second warrant authorizing the recording devices, the government was able to obtain video and audio recordings of the defendants over a period of several weeks. These recordings have been copied onto a large number of DVDs (over 25).

The DVDs have been provided to the staff at the FDC, so that they can be reviewed by the defendants. However, before the defendants could have access to the DVDs, each DVD had to be reviewed by the technical staff at the FDC to ensure that there are no viruses contained on the DVDs. As a result, the defendants are only now beginning to review the DVDs.

The defendants are also awaiting additional discovery that is coming from the Canadian law enforcement agencies. Additional time will be needed to review these materials, once they are provided. Finally, counsel have been advised that there are additional materials yet to be produced by the United States authorities, including the original arrest reports, and status reports from the electronic surveillance.

Accordingly, the parties request a continuance of the motions filing deadline from October 13, 2005, to January 19, 2006, and of the trial date from October 31, 2005, to March 6, 2006. Defendants will file Waivers of Speedy Trial through March 10, 2006.

DATED this ____ day of October, 2005.

RICHARD J. TROBERMAN, P.S.

By: _____
RICHARD J. TROBERMAN
WSBA #6379
Attorney for Defendant
Francis Devandra Raj

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By: _____
ANNETTE HAYES
Assistant U.S. Attorney

By: _____
JILL OTAKE
Assistant U.S. Attorney

ORDER

Based upon the above stipulation of the parties, and for the reasons set forth therein, the Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(i) and (ii), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendants in a speedy trial, and that the period of delay resulting from this continuance shall be excluded in computing the time within which the trial of this matter must commence. Accordingly,

IT IS HEREBY ORDERED that, subject to the defendants filing Waivers of Speedy Trial, the motions filing deadline is continued from October 13, 2005, to January 19, 2006, and the trial date is continued from October 31, 2005, to March 6, 2006.

DATED this 28th day of October, 2005.

A handwritten signature in black ink, appearing to read "John C. Capron", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE